

COUNCIL MEETING MINUTES

NOVEMBER 25, 2013

0:00 **DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, NOVEMBER 25, 2013.**

CONVENED The meeting convened at 7:02 p.m. with Mayor Figley presiding.

ROLL CALL

Mayor Figley	Present
Councilor Cox	Present
Councilor Lonergan	Absent
Councilor McCallum	Present
Councilor Morris	Present
Councilor Ellsworth	Present
Councilor Alonso Leon	Present

Staff Present: City Administrator Derickson, City Attorney Shields, Interim Public Works Director Scott, Economic and Development Director Hendryx, Finance Director Shearer, Captain Garrett, Captain Alexander, Human Resource Director Hereford, Accounting Manager Ellerbrook, Budget and Finance Analyst Head, Communications Coordinator Horton, City Recorder Pierson

0:00 **ANNOUNCEMENTS**

- A. City Hall will be closed November 28 and 29 for the Thanksgiving Holiday. The Library and Aquatic Center will be closed on November 28 but will be open normal business hours the rest of the weekend. The Aquatic Center will be hosting its annual Black Friday sale on Friday, November 29.
- B. Please join us for the Annual Mayor's Tree Lighting on Sunday, December 1. The whole family is invited to this traditional holiday event that takes place at two downtown locations. We'll start at the Settlemier House at 5:30 p.m. to light the tree and sing some carols, led by the Dickens Carolers. We will then parade to the Downtown Plaza by candlelight, where we will light the Plaza tree, enjoy festive entertainment, hot chocolate, cookies, and maybe even be visited by Santa himself.

0:02 **COMMUNITY/GOVERNMENT ORGANIZATIONS**

Chamber of Commerce – Don Judson, Executive Director, provided information to the Council on the Crystal Apple awards. He also mentioned that Greeters is cancelled this Friday because of the holiday, the Christmas Forum lunch will take place on December 11th and that interviews are taking place this week for the new Chamber Director.

0:05 **PROCLAMATIONS/PRESENTATIONS**

Proclamations

Honoring the Fallen Police Reserve Officer of Oregon City

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Presentations

- A. 2013 Mary Tennant Award for Excellence in Public Service - Mayor Figley presented the award to Linda Eubank and Teresa Timmons.
- B. Oregon Peace Officers Association Award Recognition - Sgt. Andy Shadrin, Corporal Shawn Hershberger, Officer Tom Courson and Officer Josh Rains received recognition for their heroism and professionalism under the most challenging circumstances. Officer Nightingale received recognition for his life saving rescue while off duty.
- C. Audit Report - Chuck Swank, Grove, Mueller & Swank, P.C., informed the Council that the 2012-2013 audit is complete and the City received an unqualified opinion.

0:20

COMMUNICATIONS

November 20, 2013 Letter from Tim Potter of ODOT regarding Sequoia Trees - Mayor Figley introduced Tim Potter from ODOT and stated that he is available to answer questions.

Councilor Cox asked in regards to the November 20th letter to Scott Derickson, if the drainage issue played a part in the decision to disapprove the modified design and Mr. Potter answered no.

Councilor Cox asked if there is a design for the drainage yet and Mr. Potter answered yes.

Councilor Cox noted that the City of Woodburn and ODOT tried to come up with a plan to save the sequoia trees and the wall and that the suggested mechanism was the drill footing to avoid damaging the roots of those Sequoia trees and that was approved by ODOT staff early on. They thought it would work but that changed to it won't work and asked Mr. Potter if that was correct. Mr. Potter stated that it wasn't that it wouldn't work. He stated that the issue was not survivability of the tree but the long term structural stability of the tree and then in liability for who damaged the roots of the trees.

Councilor Cox asked if ODOT and the City discussed the City taking over liability for the trees and Mr. Potter answered that that was discussed but the feedback from the DOJ was they couldn't find a mechanism where it relieved ODOT of liability.

Councilor Cox asked if Mr. Potter spoke with the two homeowners who would be affected and that if given the choice of trees or sound wall both stated that they would choose the sound wall. Mr. Potter answered yes.

Councilor Cox asked if ODOT knew anything about the City's Significant Tree Ordinance and Mr. Potter stated that they did not and only found out about it when a City employee asked about it.

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Mayor Figley reminded everyone that Mr. Potter is here to answer questions and not to go too far afield.

Councilor Cox asked if ODOT did anything to find out the answer as to whether or not they could dig holes for the drill piling without hitting significant roots and Mr. Potter answered that they did not.

Councilor Cox commented that there must have been other reasons that ODOT didn't want to do the piling system and did want to bring the Sequoias down and it had nothing to do with the health and safety of life and safety of people around or anything it just simply had to do with the policy of ODOT. He also stated that he received an opinion from a well-respected veteran civil engineer who reviewed the plans and that his opinion was that he saw no reason the holes couldn't be moved.

Councilor Morris asked if ODOT installs sound walls anywhere else in the state and Mr. Potter answered that they install them in virtually every project near an urban area.

Councilor Morris asked if ODOT purchased the trees and if the homeowners are now saying they prefer the sound wall to the tree and Mr. Potter answered yes.

Councilor McCallum asked if there was a vote or petition and Mr. Potter answered that there is a legal requirement to have a vote of the affected parties.

Councilor McCallum asked if the voting came out in favor of sound walls and Mr. Potter answered that it did.

Councilor Ellsworth asked what utility conflicts are out there and Mr. Potter answered that PGE has power lines going along the sound wall and there will also be underground utilities like cable and phone.

Councilor Alonso Leon asked what happens to the trees if they are cut and Mr. Potter answered that usually when they use an independent contractor the contractor owns the tree after it is cut.

Councilor Cox stated that he feels that ODOT has not been negotiation in good faith.

Colin Brown, 1790 Woodland Ave, stated that the Council has a duty to pay attention to the people that are in the audience and doesn't believe that ODOT has made their case.

BUSINESS FROM THE PUBLIC

1:11 Kay McEwen, 54 Smith Drive, told Council she is in favor of saving the trees if possible and showed photo's she took of a neighborhood in Keizer that had trees by a sound wall and one that showed a sound wall with no trees.

CONSENT AGENDA

- 1:15
- A. Woodburn City Council minutes of October 28, 2013,
 - B. Woodburn City Council Executive Session minutes of October 28, 2013,

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C. Woodburn Planning Commission minutes of August 22, 2013,
D. Medical Marijuana Dispensaries.

McCallum/Cox adopt the Consent Agenda. The motion passed unanimously.

1:16 **COUNCIL BILL NO. 2940 - A RESOLUTION INITIATING CONSIDERATION OF
LEGISLATIVE AMENDMENTS TO THE WOODBURN DEVELOPMENT
ORDINANCE FOR THE YEAR 2013-14** Mayor Figley announced that this item is being
taken off the agenda.

1:16 **EXPANSION OF THE WOODBURN ENTERPRISE ZONE**
Economic and Development Director Hendryx provided a staff report. Councilor McCallum
and Councilor Cox expressed their concerns of the cost to the City and whether there would
be competition between the two cities when a developer is looking for a site. Economic
Development Director stated that it would not take a lot of his time and believes it is
important to bring jobs here locally. He added that the possibility of having to compete would
be very remote. There was a consensus by City Council to direct staff to bring back a
resolution.

1:30 **CITY ADMINISTRATOR'S REPORT**
The City Administrator had nothing to report.

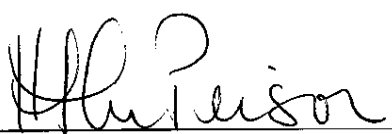
1:30 **MAYOR AND COUNCIL REPORTS**
Councilor Morris wished everyone a happy Thanksgiving.
Councilor Cox and Councilor Ellsworth concurred with Councilor Morris.
Mayor Figley invited everyone to attend the tree lighting ceremony.
Councilor McCallum stated that he is pleased to see people concerned about trees and
Woodburn's future and would like to make it a Council goal to look at an Urban Forest
program.
Councilor Alonso Leon encouraged people to volunteer.

1:34 **ADJOURNMENT**
McCallum/Morris meeting be adjourned. The motion passed unanimously.
The meeting adjourned at 8:34 p.m.

APPROVED

KATHRYN FIGLEY, MAYOR

ATTEST


Heather Pierson, City Recorder
City of Woodburn, Oregon